

The Salisbury Planning Board held its regular meeting on Tuesday, February 25, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Fred Dula, Elaine Stiller, Rodney Queen, Sean Reid, Jerry Wilkes, Sandy Reitz, Eldridge Williams, Lou Manning, Len Clark, Ken Mowery, Jeff Smith, Brian Miller

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Joe Morris, David Phillips, Dan Mikkelson  
Tammy File

The meeting was called to order by Chairman Dula. The minutes of February 11, 2003, were approved as published.

#### **COURTESY HEARING: TEMPORARY SIGNS FOR SPECIAL EVENTS OR PROMOTIONS**

- (a) Chairman Dula convened a courtesy hearing on Temporary Signs for Special Events or Promotions.

Gerry Wood (car dealership on Jake Alexander Blvd.) Mr. Wood's comments represent the feelings of five (5) dealerships. - There should be something exclusively for Jake Alexander Blvd., should create a separate zone. The car dealers on Jake Alexander Blvd. have 350 employees, sold 6,523 cars in 2002 that represents \$162 million in sales. Others in the city, like Rouzer, get 2<sup>nd</sup> and 3<sup>rd</sup> spinoffs. The car dealers make charitable donations. Mr. Wood criticizes the regulations for placing a maximum size on a banner, as well as a size and height limitation on the balloons. "Why are we [car dealers] being given such a hard time?" "City and county governments want to inhibit our doing business." "Don't legislate us to death." "You cannot advertise downtown the same way as Jake Alexander Blvd." "You can't have Community Appearance dictating how we advertise on Jake Alexander Blvd." "Let's cut out the bureaucracy."

Ben Ribelin, Signature Jewelers on West Innes near the Square- Downtown should not be excluded. We could downsize the banners, reevaluate the exemption for the downtown historic district.

Diane Dillon, Historic Salisbury Foundation- what about non-profits ? October Tour ? Piedmont Players ? Waterworks ? Hall House tour ? The wording of the proposal seems oriented toward businesses, but could it also be used by others ?

Pam Hylton-Coffield, Stitchin Post – Downtown should be included, may want to have banners or balloons in the future for some special sale or promotion.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen- Data was collected from other cities prior to preparing the regulations for Salisbury. Was on the Joint Planning Board/Community Appearance Commission committee, and know there was a strong effort to establish reasonable criteria.

Jeff Smith – The proposal was burdensome. There's a bigger issue and we need to find a balance, our committees never talked to the "business community". We need to find a balance.

Sean Reid – Can we treat all zoning districts the same ? Doesn't favor special overlay for Jake Alexander Blvd. [as Gerry Wood suggested]

Brian Miller- This is a contentious issue. We need to put something on the books. There is never a perfect solution. Chamber members all received copies and there are only a few people here.

Jeff Smith makes the motion to form a Task Force with 12 people to work together on this, with business people from different areas represented on the Task Force. Rodney Queen seconded the motion with all members voting AYE.

### **GROUP DEVELOPMENT**

#### **G-4-02 Gold Hills Apts., 420 Gold Hill Drive**

Aaron Akers, for Gold Hill LLC of Greensboro, submitted the application for the construction of 120 apartments on 12.33 acres at 420 Gold Hill Drive. Development Services Specialist David Phillips indicates that all zoning criteria have been met. The Technical Review Committee recommends approval of the application as submitted.

Development Services Specialist David Phillips' presentation, he indicated that the 3-story apartments have a height of 40 feet which is 5 feet taller than the 35-foot maximum in the RD-A district.

Aaron Akers, the developer, said that the taller building (40 feet) was necessary to give more common open space, which he said is 69 percent. Properties do better financially with more open space.

In response to a question from a Planning Board member, said there are no elevators, but the 1<sup>st</sup> floor units (33 percent of the complex ) will be handicapped equipped or adaptable.

Rodney Queen made the motion to approved as submitted, Lou Manning seconded the motion will all members voting AYE. Mr. Queen said let the Council deal with the 40 foot issue.

## **COMMITTEE REPORTS**

The Group Home Committee Chair, Elaine Stiller gave the committee report and recommendation. She explained differences in terms, which are definitions that will need to go into our Ordinance. She also explained the different levels of residential treatment facilities. The Committee concluded by making a set of recommendations, but also suggesting that the Planning Board conduct a Courtesy Hearing on March 4 (the next meeting) to receive input from the public – especially those who know of who have an interest in group homes.

Joe Morris presented a PowerPoint presentation on the purpose of making these zoning text amendments:

- (1) Mitigate impact of group homes on police services, schools, and neighborhoods through appropriate land use.
- (2) Assure compliance with local ordinances and with the Fair Housing Act.
- (3) Demonstrate the community's ability to meet social obligations.

Joe showed a map of the City, with the locations of the residential treatment facilities. As group homes, these have been locating in residential areas. Our Ordinance does not currently allow group homes in residential areas, they are to be allowed “first” in the B-1 Office Institutional district.

Planning Board set a Courtesy Hearing for March 11. Planning Board members asked that notifications be sent to the following: Dept. of Social Services, Dr. Windsor Eagle (at Salisbury High), the Rowan County Task Force on Group Homes, the Police Dept. representative who has been working with group homes, Max Kent (a group home owner who has appeared at the meetings), Bob Heffren (the school's associate superintendent who has worked with group homes, and others who may have an interest in the subject. Interestingly, group home residents may not only have an effect on Salisbury High, but Knox and our elementary schools as well. Also, because of school district lines and our ETJ area, some other senior high, middle school, and elementary schools may be affected –from North, East, South, and West.

The Legislative Committee report was given by Elaine Stiller that pertains to child daycare homes and facilities. In several recent child daycare home cases, the part that has presented a particular problem is: “... the applicant shall secure a special use permit for child daycares which shall include, among other things, the general acceptance in the neighborhood in which the child daycare home or facility is located.” The problems have been:

- (1) What is “general acceptance in the neighborhood.” Does this mean a majority of the residents of a neighborhood must attend and support the proposal ? If more than half of those speaking at the Hearing oppose the request, should it be denied ?
- (2) What is a “neighborhood”? Would it just be people along a given street where the child daycare home is proposed ?

The Committee's recommendation, by a 2-1 vote, was to change the sentence to:  
"... the applicant shall secure a special use permit for child daycares which shall include, among other things, input from the neighborhood in which the child daycare home or facility is located. Jeff Smith said he would be in favor of eliminating that part entirely since we routinely receive input from the neighborhood anyway.

Brian Miller made the motion to accept the Committee report , Lou Manning seconded the motion with a 8-4 vote.

The Gateway Study Committee Chair, Jeff Smith made a presentation to the Planning Board. Jeff explained that the initial focus of the committee will be on the East Innes Street area near Interstate 85-that the current thinking is from Arlington Street to either where Faith Road will wrap around into East Innes (near what is now Cox Lane) or where Newsome Road is to be extended to East Innes.

Jeff said that a broader goal is far beyond that. It should include other gateways into our City-like US-70 west of Salisbury Mall.

Some ideas the committee is considering is the currently existing VCOD district, a modification of the VCOD, or something else. For the next meeting the committee has requested of staff a complete explanation of the VCOD, so that the committee will be better prepared to meet with property owners and explain to them the potential impact the VCOD would have on their properties.

The Nominating Committee was selected by pulling numbers out of a bowl to select the new Nominating Committee. The Nominating Committee will nominate next year's Chairman and Vice Chairman. The names drawn were Brian Miller, Ken Mowery, Sandy Reitz, and Eldridge Williams. Nominating Committee members are also eligible to be appointed as Chairman or Vice Chairman.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary